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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, NOVEMBER 7, 2001

APPLICATION OF

OPENBAND OF VIRGINIA, LLC

CASE NO. PUC010161

For certificates of public  
convenience and necessity to  
provide local exchange and  
interexchange telecommunications  
services

FINAL ORDER

On July 31, 2001, OpenBand of Virginia, LLC ("OpenBand" or the "Company"), filed an application for certificates of public convenience and necessity with the State Corporation Commission ("Commission") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. The Company also requested interim operating authority and authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

By Order dated August 20, 2001, the Commission directed the Company to provide notice to the public of its application, directed the Commission Staff to conduct an investigation and file a Staff Report, and granted OpenBand's request for interim authority to operate and provide telecommunications services

under the tariffs of OpenBand of Virginia, Inc.<sup>1</sup> On September 28, 2001, OpenBand filed proof of publication and proof of service as required by the August 20, 2001, Order. No comments or requests for hearing were filed.

On October 19, 2001, the Staff filed its Report finding that OpenBand's application was in compliance with the Rules Governing the Offering of Competitive Local Exchange Telephone Service ("Local Rules") and the Rules Governing the Certification of Interexchange Carriers ("IXC Rules"). Based upon its review of OpenBand's application, the Staff determined it would be appropriate to grant the Company certificates to provide local exchange and interexchange telecommunications services subject to the following condition: should OpenBand collect customer deposits, it shall establish and maintain an escrow account for such funds held in a Virginia office of a duly chartered state or national bank, savings and loan association or savings bank, or credit union that is unaffiliated with OpenBand, and shall notify the Division of Economics and Finance of the escrow arrangement and any subsequent change. Any escrow arrangement established pursuant

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<sup>1</sup>In an Order dated November 9, 2000, the Commission, in Case No. PUC000300, amended the certificates of public convenience and necessity granted Dean Networks of Virginia, Inc., to reflect the name of that entity, i.e., OpenBand of Virginia, Inc. ("OpenBand, Inc."). OpenBand, Inc., currently holds Certificate No. TT-104B to provide interexchange telecommunications services and Certificate No. T-500a to provide local exchange telecommunications services.

to this requirement shall be maintained until such time as the Staff or Commission determines it is no longer necessary.

NOW THE COMMISSION, having considered the application and the Staff Report, finds that the Company should be granted certificates to provide local exchange and interexchange telecommunications services. Having considered § 56-481.1, the Commission further finds that the Company may price its interexchange telecommunications services competitively.

Accordingly, IT IS ORDERED THAT:

(1) OpenBand of Virginia, LLC, is hereby granted a certificate of public convenience and necessity, No. TT-163A, to provide interexchange telecommunications services subject to the restrictions set forth in the Commission's Rules Governing the Certification of Interexchange Carriers, § 56-265.4:4 of the Code of Virginia, and the provisions of this Order.

(2) OpenBand of Virginia, LLC, is hereby granted a certificate of public convenience and necessity, No. T-572, to provide local exchange telecommunications services subject to the restrictions set forth in the Rules Governing the Offering of Competitive Local Exchange Telephone Service, § 56-265.4:4 of the Code of Virginia, and the provisions of this Order.

(3) Pursuant to § 56-481.1 of the Code of Virginia, the Company may price its interexchange telecommunications services competitively.

(4) The Company shall provide tariffs to the Division of Communications within sixty (60) days of the date of this Order. The tariffs shall conform to all applicable Commission rules and regulations.

(5) Should OpenBand collect customer deposits, it shall establish and maintain an escrow account for such funds, held in a Virginia office of a duly chartered state or national bank, savings and loan association or savings bank, or credit union that is unaffiliated with OpenBand, and shall notify the Division of Economics and Finance of the escrow arrangement and any subsequent change. Any escrow arrangement established pursuant to this requirement shall be maintained until such time as the Staff or Commission determines it is no longer necessary.

(6) There being nothing further to come before the Commission, this case shall be dismissed and the papers filed herein placed in the file for ended causes.